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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,599	07/06/2005	Bernhard Lucas	10191/4026	8984

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EXAMINER	
MARC, MCDIEUNEL	

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
10/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/541,599	LUCAS ET AL.	
	Examiner	Art Unit	
	MCDIEUNEL MARC	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 12-24 are pending.

2. The abstract of the disclosure is objected to because the word "Figure" should be deleted on the page that contains the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12-24 are rejected under 35 U.S.C. 102(b) as being anticipated by **Kon** (***Vehicle Detectors***, 1998).

As per claims 12 and 22, **Kon** teaches a system and an associated method *for triggering at least one of (1) at least one deceleration device and (2) at least one output-determining actuator element of a vehicle propulsion system* (see page 63, third paragraph start from "In an example multiple detector system for detecting.....flow of traffic" and page 64, section 2.), *the device comprising: a first surroundings sensing device for providing longitudinal value-optimized measured values; a second*

surroundings sensing device for providing object lateral extension-optimized measured values (see page 53, section 1.4, page62, first paragraph and having more than one sensing device falls under design choice)*; and an analyzer device for receiving output signals of the first and second surroundings sensing devices, and for using the measured values of both the first and second surroundings sensing devices for at least one of (a) object identification/verification and (b) triggering of at least one of (1) the at least one deceleration device and (2) the at least one output-determining actuator element of the propulsion system* (see page 52, section 1.3, page 63, third paragraph as noted above, page 87-88, section 3.17 and page 64, section 2. as noted above).

As per claims 13-15, **Kon** teaches a vehicle detector *wherein the measured values of the second surroundings sensing device are used for at least one of verification and provision of additional information in analyzing the measured values of the first and second surroundings sensing devices* (see page 52, section 1.3, page 63, third paragraph as noted above, page 87-88, section 3.17 and page 64, section 2. as noted above).

As per claims 16 and 17, **Kon** teaches a vehicle detector *wherein the first surroundings sensing device is a radar transceiver device* (see page 53, section 1.5).

As per claim 18, **Kon** teaches a vehicle detector *wherein the first surroundings sensing device is a lidar*[1] *transceiver device* (see page 55, section 1.8, lines 4-5).

[1] **LIDAR** = (**Li**ght **D**etection **a**nd **R**anging) is an optical remote sensing technology that measures properties of scattered light to find range and/or other information of a distant target. The prevalent method to determine distance to an object or surface is to use laser pulses. Like the similar radar technology, which uses radio waves instead of light, the range to an object is determined by measuring the time delay between transmission of a pulse and detection of the reflected signal.

As per claims 19-21, **Kon** teaches a vehicle detector *wherein the second surroundings sensing device is an image detection system* (see page 86, section 1.)*; wherein the image detection system includes a monocular video camera; and wherein the image detection system includes a stereo video camera* (see page 51, section 1.2 "Video Image Processors").

As per claim 23, **Kon** teaches a vehicle detector *wherein the method is for automatic longitudinal vehicle regulation* (see page 77, section 3.3 second paragraph).

As per claim 24, **Kon** teaches a vehicle detector *wherein the longitudinal vehicle regulation provides for automatic vehicle deceleration to be at least one of triggered and performed to at least one of* (page 63, third paragraph start from "In an example multiple detector system for detecting.....flow of traffic" as noted above)*: avoid a collision and alleviate a severity of a collision* (see page 66-67 "Traffic Impacts" and page 72-73, "Collision Warning & Avoidance Technologies and Current Applications").

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MCDIEUNEL MARC whose telephone number is (571)272-6964. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/McDieunel Marc/
Examiner, Art Unit 3664

Tuesday, October 07, 2008
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664